S.B.Cr.Misc. Bail Appli. No.5530/2007
(Bhala Ram & Ors. Vs. State of Rajasthan)

Date of order : November 16, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Mahesh Thanvi, for the petitioners.
Mr.Ashok Upadhyaya, P.P. for the State.
Mr.Roshan Lal for the complainant.

Heard learned counsel for the petitioners, Public Prosecutor for the State and the counsel for the complainant. Perused the order impugned and the police investigation diary.

It is contended by learned counsel for the petitioners that the land is jointly owned and, therefore, no case for committing theft is made out.

Petitioner No.1 claimed to be adopted son of first informant Mathura, an old lady having no vision (blind), who is present in Court. She stated that petitioner No.1 is not her adopted son, he is son of her brother-in-law (Jeth). Thus, the fact of adoption as claimed by the petitioners has specifically

been denied by her. From the material available on police investigation diary, there is specific allegation that the land was in possession of the complainant, first informant and there was a crop standing on it, which alleged to have been taken away by the petitioners. In the circumstances, therefore, in my view, it is not a fit case to grant anticipatory bail to the petitioners

The bail application filed by the petitioners under section 438 Cr.P.C. is, therefore, dismissed.

(H.R.PANWAR),J.

m.asif/-